IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Crl.Misc.No.13068-M of 2007

DATE OF DECISION: MARCH 15, 2007

Sarpreet Singh

...PETITIONER

VERSUS

State of Punjab and another

...RESPONDENTS

CORAM: HON'BLE MR.JUSTICE SATISH KUMAR MITTAL

Present: Mr.Rajesh Punj, Advocate,
for the petitioner.

...

The petitioner has filed this petition under Section 482 Cr.P.C. for quashing FIR No.4 dated 10.1.2004 registered under Sections 307/452/323/324/148/149 IPC at Police Station Sudhar, Dstrict Ludhiana and the subsequent proceedings arising therefrom.

I have heard the counsel for the petitioner and gone through the contents of the FIR as well as the record of the case.

In the petition, it has been alleged that there was a dispute with regard to the common wall with one Harjit Singh and due to this, the aforesaid FIR was registered against the petitioner and other co-accused, on the statement of Harjit Singh-respondent No.1. Similary, a cross case was also registered from the side of the petitioner against Ujjagar Singh, Harjit Singh, Parkash Singh and Nirnanjan Singh under Sections 326/324/323/34 IPC, on the statement of Darshan Singh. It has been further alleged that both the parties are closely related and hence a compromise was arrived at between them on 5.9.2004 to the effect they would make their efforts for

getting the aforesaid FIR cancelled. A copy of the compromise has been placed on the record as Annexure P-3.

In this case, earlier the petitioner and co-accused Madho Singh filed Crl.Misc.No.14823-M of 2004 for grant of anticipatory bail, which was allowed by this Court vide order dated 25.5.2004. Undisputedly, after the grant of anticipatory bail, the petitioner neither joined the investigation nor appeared before the trial court and was accordingly declared proclaimed offender vide order dated 23.2.2006. In this case, the petitioner is seeking quashing of the aforesaid FIR on the ground that the co-accused of the petitioner have been acquitted as the prosecution has not been able to connect the accused with the commission of the offences charged with. The other ground on which the petitioner is seeking quashing of the aforesaid FIR is that since a compromise has been arrived at between the parties, therefore, the same be quashed.

After hearing the counsel for the petitioner, I do not find any merit in this petition. In this case, the co-accused were acquitted by the trial court not on the basis of compromise, but they were acquitted as the prosecution failed to prove the guilt against them.

As far as quashing of the FIR on the basis of compromise is concerned, it is not possible to quash the FIR as the offences on which the petitioner has been charged, are not compoundable. Therefore, I do not find any ground to quash the FIR in exercise of the inherent powers of this Court under Section 482 Cr.P.C.

Dismissed.

March 15, 2007 (SATISH KUMAR MITTAL)
vkg JUDGE